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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First named Applicant: Carles Flotats

Application No.: 10/766,554 (CONF 3096)

Filed: 1/27/2004

Title: Dual-axis media-positioning sensor

Attorney Docket No.: 200206527-1

Group Art Unit:

Examiner:

Assistant Commissioner for Patents
Washington, D.C. 20231

PETITION UNDER 37 CFR 1.182

Dear Sir:

Applicant hereby petitions as follows. As indicated in the attached Notice to File Missing Parts, dated June 21, 2004, FIGS. 9, 10, and 11 of the drawings were inadvertently omitted from the original patent application filing of January 27, 2004. Applicant therefore wishes to proceed under Option II, in which the date that these omitted drawings are filed with the USPTO is the new filing date for the patent application.

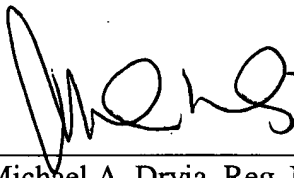
Therefore, Applicant has filed herewith a new set of drawings, including the previously omitted FIGs. 9, 10, and 11. The other drawings, FIGs. 1-8, are included for sake of completeness, and to indicate the new page numbering of the drawings, and otherwise are identical to FIGs. 1-8 as originally filed.

Also enclosed is a declaration/power of attorney, to which the inventors attest that they have invented the subject matter of the patent application, as originally filed, and also "further including FIGs. 9, 10, and 11 not originally filed therewith." That is, a supplemental declaration/power of attorney is not appropriate in this matter, because an original signed declaration/power of attorney was not filed with the patent application itself.

Finally, enclosed herewith is a Form PTO-2038 to charge the petition filing fee of \$130 to a credit card.

Applicant further notes that the Notice to File Missing Parts has also been responded to in conjunction with the Office of Initial Patent Examination (OPIE), insofar as the declaration/power of attorney is concerned. That response to the Notice to File Missing Parts included an identical copy of the declaration/power of attorney to that filed with this petition.

Respectfully Submitted,



8-9-2004
Date

Michael A. Dryja, Reg. No. 39,662
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I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to The Assistant Commissioner for Patents, Mail Stop Petition, PO Box 1450, Alexandria, VA 22313-1450, on August 9, 2004.



Michael Dryja



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/766,554	01/27/2004	Carles Flotats	200206527-1

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

RECEIVED

JUN 25 2004

HP LEGAL
IPA

CONFIRMATION NO. 3096

FORMALITIES LETTER

OC000000013001657

Date Mailed: 06/21/2004

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

US ACTION _____
DUE DATE _____
Paper Dated _____
OA _____ Final _____
Msg. Pl. ☒ Dwgs _____
Appeal _____ Issue Fee _____
Other _____

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

The following item(s) appear to have been **omitted** from the application:

- Figure(s) **9, 10 and 11** described in the specification.

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(h))) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h))) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.

Applicant is advised that generally the filing fee required for an application is the filing fee in effect on the filing date accorded the application and that payment of the requisite basic filing fee on a date later than the filing date of the application requires payment of a surcharge (37 CFR 1.16(e)). To avoid processing delays and payment of a surcharge, applicant should submit any balance due for the requisite filing fee based on the later filing date being requested when submitting the omitted items(s) and the petition (and petition fee) requesting the later filing date.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (*i.e.*, the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabeled drawing figures, is required. A copy of the drawing figures showing the proposed changes in red ink should accompany with any drawing changes. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.


SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **\$130** for a Large Entity

- **\$130** Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*



Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART I - ATTORNEY/APPLICANT COPY